

**JUDGE BAITS**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK-----x  
UNITED STATES OF AMERICA

: : INDICTMENT

- v . -  
CHRISTIAN DUARTE,  
a/k/a "Chris Duante,"  
a/k/a "Chris Duaete,"

Defendant.

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**08CRIM 830**

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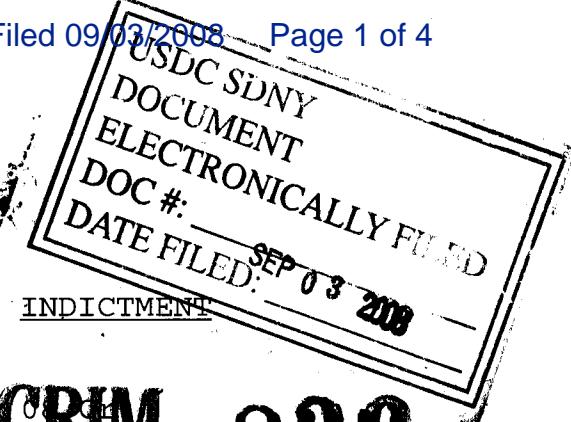
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COUNT ONE

The Grand Jury charges:

1. From in or about September 2007, through in or about April 2008, in the Southern District of New York and elsewhere, CHRISTIAN DUARTE, a/k/a "Chris Duante," a/k/a "Chris Duaete," the defendant, unlawfully, willfully, and knowingly, and with intent to defraud as part of an offense affecting interstate commerce, did effect and attempt to effect transactions, with one and more access devices issued to another person and persons, to receive payment and any other thing of value during a 1-year period, the aggregate value of which exceeded \$1,000, to wit, DUARTE used credit card accounts in the names of other individuals, without authorization, to obtain merchandise and cash, the value of such goods and payments exceeding \$1,000 during a one-year period.

(Title 18, United States Code, Sections 1029(a)(5), 1029(b)(1) and 2.)



COUNT TWO

The Grand Jury further charges:

2. From in or about September 2007, through in or about April 2008, in the Southern District of New York and elsewhere, CHRISTIAN DUARTE, a/k/a "Chris Duante," a/k/a "Chris Duaete," the defendant, unlawfully, willfully, and knowingly did transfer, possess, and use, without lawful authority, a means of identification of another person, during and in relation to a felony violation enumerated in Section 1028A(c), to wit, DUARTE possessed and used the name and other personal identification information of other individuals to commit access device fraud as charged in Count One of this Indictment.

(Title 18, United States Code, Sections 1028A and 2.)

FORFEITURE ALLEGATION

3. As the result of committing the offense alleged in Count One herein, CHRISTIAN DUARTE, a/k/a "Chris Duante," a/k/a "Chris Duaete," the defendant, shall forfeit to the United States, pursuant to 18 U.S.C. §982(a)(2)(B), any property constituting, or derived from, proceeds obtained directly or indirectly as a result of such violations, including but not limited to a sum in United States currency representing the amount of proceeds obtained as a result of the offense alleged in Count One of this Indictment.

Substitute Asset Provision

4. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

- (1) cannot be located upon the exercise of due diligence;
  - (2) has been transferred or sold to, or deposited with, a third person;
  - (3) has been placed beyond the jurisdiction of the Court;
  - (4) has been substantially diminished in value; or
  - (5) has been commingled with other property which cannot be subdivided without difficulty;
- it is the intent of the United States, pursuant to 18 U.S.C. § 982(b), to seek forfeiture of any other property of said defendant up to the value of the above-described forfeitable property.

(Title 18, United States Code, Sections 982 and 1029.)

Shirley Puckett  
FOREPERSON

Michael J. Garcia  
MICHAEL J. GARCIA  
United States Attorney

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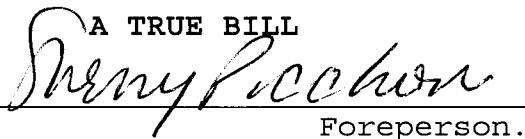
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INDICTMENT

08 Cr.

(18 U.S.C. §§ 1029(a)(5),  
1029(b)(1), 1028A and 2)

MICHAEL J. GARCIA  
United States Attorney.

A TRUE BILL  
  
Sherry Pocohorn  
Foreperson.

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Indictment. Case assigned to

Judge Batts.

- Francis, J.

9/3/08  
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